

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities
LLC and the Chapter 7 Estate of Bernard L.
Madoff,

Plaintiff,

v.

ABN AMRO BANK N.V. (presently known
as NATWEST MARKETS N.V.),

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

Lead Adv. Pro. No. 10-05354 (CGM)

STIPULATION AND ORDER

Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–III, and the Chapter 7 estate of Bernard L. Madoff, individually, and defendant ABN AMRO Bank N.V. (presently known as NatWest Markets N.V.) (“Defendant”), by and through their respective, undersigned counsel, hereby agree as follows:

WHEREAS, on August 24, 2023, Defendant filed a Motion to Amend Affirmative Defenses (“Motion to Amend”) (ECF No. 278);

WHEREAS, on August 24, 2023, Defendant also filed amended Counterclaims against the Trustee (ECF No. 276);

WHEREAS, on September 13, 2023, the Trustee filed an opposition to Defendant's Motion to Amend (ECF No. 282);

WHEREAS, on September 27, 2023, the Trustee filed a Motion to Dismiss Defendant's Counterclaims ("Motion to Dismiss") (ECF No. 286)—the hearing on the Trustee's Motion to Dismiss is scheduled for November 16, 2023 (ECF No. 290);

WHEREAS, on October 4, 2023, the Court issued a Memorandum Decision granting in part and denying in part Defendant's Motion to Amend (ECF No. 293);

WHEREAS, on October 17, 2023, the Court issued an Order granting in part and denying in part Defendant's Motion to Amend (ECF No. 295);

WHEREAS, pursuant to the Court's Order, Defendant is required to file an Answer and Affirmative Defenses within 30 days of the issuance of the Court's decision on the Trustee's Motion to Dismiss that is amended in accordance with the Court's Memorandum Decision and Order on Defendant's Motion to Amend and the Court's decision and order on the Trustee's Motion to Dismiss;

WHEREAS, on October 26, 2023, Defendant filed a Notice of Voluntary Dismissal Pursuant to F.R.C.P. 41(c)(1), voluntarily dismissing its Counterclaims (ECF No. 297); and

WHEREAS, as a result of Defendant's Notice of Voluntary Dismissal, the Trustee's Motion to Dismiss is moot and the November 16, 2023 hearing is no longer necessary.

IT IS HEREBY STIPULATED AND AGREED that:

1. Defendant shall file an Answer and Affirmative Defenses within 30 days of entry of this Stipulation and Order that is amended in accordance with the Court's

Memorandum Decision and Order on Defendant's Motion to Amend and removes the Counterclaims.

2. The Trustee's Motion to Dismiss is stricken as moot and the hearing on the motion is removed from the Court's calendar.

Dated: October 31, 2023
New York, New York

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*Attorneys for Plaintiff Irving H. Picard,
Trustee for the Substantively Consolidated
SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the Chapter
7 Estate of Bernard L. Madoff*

SO ORDERED.

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*Attorneys for Defendant ABN AMRO Bank N.V.
(presently known as NatWest Markets N.V.)*

**Dated: November 1, 2023
Poughkeepsie, New York**



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris
U.S. Bankruptcy Judge**